

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

*In re*

JAMES JOEL HOLMAN and CANDICE  
EVANGELINE HOLMAN,

## Debtors.

DWIGHT and LAURA DANIELS,  
husband and wife,

## Plaintiffs,

JAMES JOEL HOLMAN and CANDICE  
EVANGELINE HOLMAN,

## Defendants.

Case No. 14-35381-rld7

Adversary Proceeding No. 14-03285-rld

**DECLARATION OF R. HUNTER BITNER  
II IN SUPPORT OF  
CREDITORS'/PLAINTIFFS' MOTIONS  
IN LIMINE**

I, R. Hunter Bitner II, declare as follows:

1. I am one of the attorneys representing Dwight and Laura Daniels, Plaintiffs, in the above captioned lawsuit.

2. Attached as Exhibit 1 is a true and accurate copy of the profile of attorney Todd Mitchell from the website of the law firm Ater Wynne.

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Page 1 – DECLARATION OF R. HUNTER BITNER II

**SLINDE NELSON STANFORD**  
111 SW 5th Avenue, Suite 1940  
Portland, Oregon 97204  
p. 503.417.7777; f. 503.417.4250

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE  
BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE  
FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED: August 6, 2015.

## SLINDE NELSON STANFORD

By: /s/ R. Hunter Bitner II  
Darian A. Stanford, OSB No. 994491  
R. Hunter Bitner, II, OSB No. 011146  
*Of Attorneys for Dwight and Laura  
Daniels*

## **CERTIFICATE OF SERVICE**

I hereby certify that I served the attached **DECLARATION OF R. HUNTER BITNER** **II IN SUPPORT OF CREDITORS'/PLAINTIFFS' MOTIONS IN LIMINE** on the following person(s) on the date indicated below:

Paul B. Heatherman  
Law Offices of Paul Heatherman PC  
250 NW Franklin Ave, #402  
Bend, OR 97701  
*Of Attorneys for Debtors-Defendants*

By the following indicated method(s):

- By **emailing** full, true, and correct copies thereof to say attorney to the email address noted above, which is the last known email address for said attorney, on the date set forth below.
- By notice of electronic filing using the PACER ECF filing system.
- By causing full, true and correct copies thereof to be **mailed** to the attorney(s) at the attorney(s) last-known office address (as) listed above on the date set forth below.

DATED: August 6, 2015.

## SLINDE NELSON STANFORD

By: /s/ R. Hunter Bitner II  
Darian A. Stanford, OSB No. 994491  
R. Hunter Bitner II, OSB No. 011146  
*Of Attorneys for Dwight and Laura  
Daniels*

# **EXHIBIT 1**

## **Professional Experience**

Ater Wynne LLP, Portland, Oregon, Partner, 2011 to present  
Bullivant Houser Bailey, Attorneys at Law, Vancouver, Washington, Shareholder, 1999 to 2011  
Oregon State Tax Court, Judicial Clerk to the Honorable Carl N. Byers, 1997 to 1999

## **Education**

Willamette University College of Law, J.D., 1997  
Montana State University, Billings, MT, B.A., 1994

## **Admitted to Practice**

Oregon  
Washington  
U.S. District Court, District of Oregon  
U.S. District Court, Western District of Washington  
United States Tax Court

## **Professional Activities**

Oregon State Bar  
Washington State Bar, member, Corporate, Intellectual Property & Business Law Sections  
Multnomah County Bar Association  
Clark County Bar Association  
American Bar Association



## **Todd A. Mitchell**

Partner  
503-226-8435  
tm@aterwynne.com

Todd Mitchell focuses his practice on the representation of private companies in a variety of industry sectors including coffee, apparel, food service, sporting goods and clean energy development, as well as the professional and business-to-business service firms that work with those industries. He takes an integrated and practical approach in helping his clients strategically plan for the future while appropriately managing their legal risk in order to help them accomplish their short and long term business goals.

Todd counsels his clients with respect to entity formation, corporate governance, mergers and acquisitions, product development and distribution, and corporate finance. He also assists clients in the registration, protection and licensing of copyrights and trademarks, and the licensing and enforcement of patent rights, both in the U.S. and internationally. Through his involvement in Multilaw, an international network of law firms, he has an extensive association of international legal contacts through which he is able to provide his clients competent and reliable legal representation in 60 countries and major commercial centers around the World.

Having tried multiple jury trials, Todd is experienced in litigation, and as outside general counsel to his clients, he regularly manages litigation matters involving business torts, trademark and copyright infringement and related matters. He also has substantial experience working with owners of closely-held businesses resolving governance disputes, breach of fiduciary duty claims, director deadlock and other corporate governance and partnership matters.

## Representative Matters

Drafted licensing agreements, distributor and manufacturing agreements, and general corporate counsel for snowboard apparel manufacturer

Negotiated international distributor agreement between U.S. importer and seller of well product technologies and Australian manufacturer

Negotiated franchise and distributor agreement for U.S. importer/distributor of soapstone stove manufacturer based in Finland

Successfully defended the Estacada School District in the Oregon Tax Court from lawsuit alleging the School District improperly and unconstitutionally imposed a \$16 million school assessment levy

On appeal to the Washington Department of Revenue, obtained significant reduction in Business & Occupation Tax assessment for Oregon manufacturer

Represented international manufacturer of in-wall heating devices in risk management through the development of vendor and supplier forms of agreement, standard warranty and customer service agreements, contract management protocols and purchase order terms and conditions

Represented multi-owner engineering and land use firm in the successful implementation of corporate governance procedures and protocols

Represented closely held manufacturer of dry beverage mixes in the financing and development of a \$4.5 million manufacturing facility

Represented international fair-trade, organic coffee importer and retailer in development of foundation for charitable giving

Represented Oregon forest products company in developing business protocols to minimize exposure and liability for Washington state tax liability associated with activities in Washington

Represented owner of closely held company in the purchase of animal feed mill including assessment and evaluation of environmental contamination issues

Represented numerous small business owners in the purchase or sale of their business, negotiation and documentation of leases, permitting, licensing, tax issues, independent contractor agreements and all other business documents

Represented employers and businesses in drafting non-compete, confidentiality and non-solicitation agreements in the course of merger negotiations